

Exhibit 3



David G. Barger
Tel 703.749.1307
Fax 703.714.8307
[REDACTED]

July 20, 2018

BY EMAIL

Lyn Hardy
Special Counsel for Freedom of Information and Privacy Acts
Office of Professional Responsibility
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Suite 3266
Washington, D.C. 20530
OPR.FOIA@usdoj.gov

Re: Ashley Neese

Dear Ms. Hardy:

I am an attorney with the firm of Greenberg Traurig, P.C. I represent Ms. Ashley Neese. Ms. Neese is a former Assistant United States Attorney for the Western District of Virginia, who voluntarily submitted her resignation on June 11, 2018, to pursue another job opportunity, and whose last day of employment was June 29, 2018. Knowing she had already submitted her resignation, and that she would be leaving the government any day, OPR sent Ms. Neese a letter on June 28, 2018, advising her of an OPR inquiry. Since receiving the letter, we have requested information, documentation, communications, reports of interviews, and other material from OPR in an effort to respond to OPR's letter. However, to date, OPR has not provided any material; rather, OPR has only agreed to provide "certain" limited material and only if Ms. Neese signs a very restrictive confidentiality agreement. OPR has noted that this inquiry is an administrative investigation. Thus, there should be no exemptions or exclusions under FOIA or the Privacy Act to supplying this information.

Please accept this letter as a request pursuant to the Privacy Act of 1974 and the Freedom of Information Act, 5 U.S.C. § 552a, et. seq. and 5 U.S.C. § 552, et. seq. respectively, for documentation within OPR's custody and control, and/or in the custody or control of any other agency within the Department of Justice.

In compliance with these two Acts, we request a copy of any and all records pertaining to Ms. Neese within your agency and/or within your office as further described below to be provided within 20 days of the receipt of this letter, and not later than August 9, 2018.

Specifically, the records we request include, but are not limited to:

EXHIBIT 3

Lyn Hardy
July 20, 2018
Page -2-

1. Any and all information submitted by attorneys Paul Beers and/or Emma Kozlowski to the United States Attorney's Office for the Western District of Virginia, and any other Agency within the Department of Justice, about Ashley Neese, discussing Ashley Neese, and/or related to the OPR's inquiry of allegations against Ashley Neese. This includes any information submitted by Mr. Beers and/or Ms. Kozlowski on behalf of or about [REDACTED]
2. Any and all emails, communications, and/or phone messages between Mr. Beers, Ms. Kozlowski, and anyone else in the Department of Justice related to or discussing Ms. Neese; any notes taken of conversations with Mr. Beers or Ms. Kozlowski, including any notes from any employees in the USAO for the WDVA related to and/or discussing Ms. Neese, or OPR's inquiry of Ms. Neese; any text message communications, voicemails, and/or other electronic communications concerning Ms. Neese, or OPR's inquiry into allegations against Ms. Neese;
3. Any and all investigative materials gathered concerning the allegations presently against Ms. Neese, including any notes, transcripts, reports, and/or recordings of interviews with witnesses or third parties, including, but not limited to, [REDACTED] and [REDACTED] beginning in 2012 and continuing to the present;
4. As part of this request, we also ask that investigative and/or discovery materials pertaining to the Pain Train case, including Ms. Neese's own notes, emails, etc. be provided, along with copies of her Outlook Calendar in 2012 through 2018. Further, she requests a copy of her list of contacts in her computer, and any electronic text messages and voicemails from her cellular phone and/or on her N drive or in her Outlook account, that was maintained as part of her government log-in at the time her government cellular phone was taken from her on May 3, 2018; and
5. As part of this request, we ask for any and all electronic communications, handwritten notes, phone messages, and/or text message communications between employees within the USAO, EOUSA, General Counsel's Office, OPR, and/or any other agency within the Department of Justice pertaining to Ms. Neese, and any investigations that have been and/or currently involve Ms. Neese within the Department of Justice, including notes, messages, and/or communications, during the time Mr. Beers met with members of the USAO on May 2, 2018 and May 3, 2018, and in the internal meetings and conversations following.

Last, Ms. Neese started her employment as an Assistant United States Attorney with the United States Attorney's Office on October 12, 2008, and remained employed in that same position until June 29, 2018. Please also accept this letter as a request to obtain information maintained in her personnel file, or elsewhere in the United States Attorney's Office, including, but not limited to, yearly evaluations, yearly AD assessments and notes pertaining to those reviews for the time period 2008- through June 29, 2018.

Lyn Hardy
July 20, 2018
Page -3-

Thank you for your time and attention to this matter.

Sincerely,


David G. Barger